

7298. Adulteration and misbranding of olive oil. U. S. * * * v. John Zeppos, Nick Antonio, and Anthony Antonio (Alpha Importing Co.). Plea of guilty. Fine, \$15. (F. & D. No. 10294. I. S. No. 14867-r.)

On October 21, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Zeppos, Nick Antonio, and Anthony Antonio, copartners, trading as the Alpha Importing Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on October 15, 1918, from the State of New York into the State of Pennsylvania, of a quantity of an article, labeled in part "Olive oil * * * Extra Quality," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to be a mixture of cottonseed and peanut oils containing little olive oil and to be short volume.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, cottonseed oil and peanut oil, had been substituted in whole or in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Olive Oil," not corrected by the statement, in inconspicuous type, "compounded with cottonseed oil," and the statement " $\frac{1}{4}$ Gallon Net," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil, and that each of said cans contained $\frac{1}{4}$ gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was olive oil, and that each of said cans contained $\frac{1}{4}$ gallon net of the article, whereas, in truth and in fact, it was not olive oil, but was a mixture composed in large part of cottonseed oil and peanut oil, and each of said cans did not contain $\frac{1}{4}$ gallon net of the article, but contained a less amount; and for the further reason that it was a product composed in large part of cottonseed oil and peanut oil prepared in imitation of olive oil, and was sold under the distinctive name of another article, to wit, olive oil. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 12, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$15.

C. F. MARVIN, *Acting Secretary of Agriculture.*

7299. Misbranding of Rid-A-Worm. U. S. * * * v. Wheelock Rid-A-Worm Co., a corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 10297. I. S. No. 8962-p.)

On September 17, 1919, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Wheelock Rid-A-Worm Co., a corporation, Sioux City, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 17, 1918, from the State of Iowa into the State of Nebraska, of a quantity of an article, labeled "Rid-A-Worm," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of water, charcoal, iron sulphate, sodium sulphate, sulphur, and a small amount of asafœtida.

It was alleged in substance in the information that the article was misbranded for the reason that the statements, to wit, "The Great Worm Destroyer * * * It will rid your hogs of stomach and intestinal worms, The Great Hog Conditioner," regarding the article, appearing on the labels of the jugs containing the article, represented that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, to prevent hog cholera, when, in truth and in fact, it did not contain ingredients or medicinal agents, effective among other things, to prevent hog cholera.

On October 21, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

7300. Misbranding of Grimault & Co.'s Injection. U. S. * * * v. 6 Dozen Bottles of Grimault & Co.'s Injection. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10346. I. S. No. 2762-r. S. No. W-345.)

On May 19, 1919, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 dozen bottles of Grimault & Co.'s Injection, remaining unsold in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped on November 20, 1918, and December 5, 1918, by E. Fougere & Co., New York, N. Y., and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample made in the Bureau of Chemistry of this department showed that the article consisted of a dilute aqueous solution of copper sulphate and plant extractives, probably matico.

Misbranding of the article was alleged in substance in the libel for the reason that the bottle label, wrapper, and circular bore certain statements which were false and fraudulent in that they represented that the article was a treatment, cure, or prophylactic for chronic and acute discharges from the urethra, gonorrhœa, blennorrhœa, catarrh, leucorrhœa, purulent mucous discharges, and certain other diseases, when, in truth and in fact, said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it.

On June 24, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*